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April 2, 1990

BY FEDERAL EXPRESS

Mr. Thomas A. Mariani, Jr.
Environmental Enforcement Section
Land and Natural Resources Division
United States Department of Justice
Room 1509
10th & Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Re: United States v. Standard T. Chemical Co., et al.,
Civil Action No. 89 C 5730
Our client: Collis Inc.

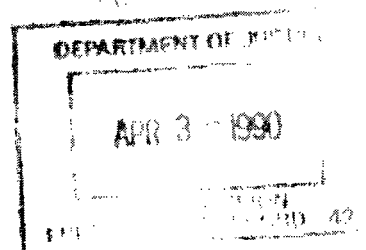
Dear Mr. Mariani:

Enclosed please find the Answers and Objections of defendant Collis Inc. to Selected Interrogatories of the United States' First Set of Interrogatories to Collis Company, which have been signed by J. N. Braudt, Collis' Chief Financial Officer. These Answers were served upon the government on March 20, 1990, although at that time they had not yet been signed by Collis.

Very truly yours,

Nancy M. Kollar

NMK:cr
Encl.



3-29-70

100-100000

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	
STANDARD T. CHEMICAL COMPANY, INC.,)	
THE GLIDDEN COMPANY,)	Civ. Act. 89 C 5730
CROWN CORK & SEAL CO., INC.,)	
BRIGHTLY GALVANIZED PRODUCTS, INC.,)	Judge Norgle
COLLIS COMPANY,)	
DEMERT & DOUGHERTY, INC.,)	Magistrate Lefkow
USX CORPORATION,)	
PIERCE & STEVENS CHEMICAL COMPANY,)	
VENICULUM, INC.,)	
CONTAINER CORPORATION OF AMERICA,)	
NATIONAL PRECISION CIRCUITS &)	
ELECTRONICS, INC.)	
PRECISION TWIST DRILL COMPANY,)	
LTV STEEL COMPANY, and)	
WYMAN GORDON COMPANY,)	
)	
Defendants.)	

**ANSWERS AND OBJECTIONS OF DEFENDANT COLLIS INC.
(INCORRECTLY NAMED AS COLLIS COMPANY) TO SELECTED
INTERROGATORIES OF THE UNITED STATES' FIRST SET
OF INTERROGATORIES TO COLLIS COMPANY, AS MODIFIED**

Defendant Collis Inc. ("Collis") submits the following answers and objections to the United States' First Set of Interrogatories to Collis Company:

GENERAL OBJECTIONS

1. Collis objects to the United States' "Instructions" and "Definitions" generally, to the extent they request Collis to produce, perform or otherwise respond beyond the scope and requirements of the Federal Rules of Civil Procedure.

9-21-70

2. Collis' response to these interrogatories is not an admission that the information contained herein is material, relevant, or admissible at trial in this cause.

INSTRUCTIONS

- A. Scope of Discovery (Location and Custody of Documents and Information). These interrogatories are directed to the above-named Defendant and cover all information in its possession, custody and control, including information in the possession of its officers, employees, agents, servants, representatives, its attorneys, or other persons directly or indirectly employed or retained by it, or anyone else acting on its behalf or otherwise subject to its control, and any merged, consolidated, or acquired predecessor or successor, parent, subsidiary, division or affiliate.

OBJECTION: Collis objects to this Instruction to the extent that it calls for disclosure of information in the possession of Collis' attorneys that is subject to the attorney-client privilege or that is protected under the work-product doctrine.

- B. Document no Longer in Possession. If any document requested is no longer in the possession, custody or control of defendant, state:
1. what was done with the document;
 2. when such document was made;
 3. the identity and address of the current custodian or (sic) the document;
 4. the person who made the decision to transfer or dispose of the document; and
 5. the reasons for the transfer or disposition.

OBJECTION: Collis objects to this Instruction as onerous, overbroad, unduly burdensome, and beyond the scope of Fed. R. Civ. P. 33 and 34. Collis does not maintain records of every document

created within or received by the company, its distribution, if any, and its ultimate disposition. The Federal Rules of Civil Procedure do not require Collis to undertake the task of creating such information.

C. Lack of Information. If you currently lack information to answer any Interrogatory completely, please state:

1. the responsive information currently available;
2. the responsive information currently unavailable;
3. efforts which you intend to make to secure the information currently unavailable; and
4. when you anticipate receiving the information currently unavailable.

OBJECTION: Collis objects to this Interrogatory because it is beyond the scope of Fed. R. Civ. P. 33. Collis will provide information currently in its possession, custody, or control, and will comply with Rule 26(e) of the Federal Rules of Civil Procedure.

D. Scope of Discovery (Time Period). Unless otherwise indicated, these interrogatories apply to the time period from January 1, 1965 to the date of the trial of this action.

OBJECTION: Collis objects to this Instruction as overbroad and unduly burdensome. The relevant time period, as alleged in the United States' Complaint, is 1965-1975, the time period during which the U.S. Scrap site is alleged to have been in operation.

H. Identification of a "Document." Whenever in these interrogatories or production requests there is a request to identify a "document," state or identify:

1. its date;

2. its author and signatory;
3. its addressee and all other persons receiving copies;
4. the type of document (e.g., letter, memorandum, contract, report, accounting record, etc.);
5. its title;
6. its content;
7. its addressee and all other persons receiving copies;
8. its custodian;
9. its present or last known location; and
10. if the document was, but no longer is, in your possession or subject to your control, state where and in whose possession or control it is.

OBJECTION: Collis objects to this Instruction as unduly burdensome. Where appropriate, Collis will produce documents in accordance with Fed. R. Civ. P. 33(c). Most of the information requested in this Instruction -- date, type of document, addressee, etc. -- is readily apparent by reference to the documents themselves. Collis further objects to this Instruction insofar as it requests Collis to identify all people receiving copies of a document, the document's "present or last known location," and the location of documents no longer in Collis' possession or control. Collis does not keep a record of each document created within or received by the company, its distribution, if any, and its ultimate disposition, and the Federal Rules of Civil Procedure do not require Collis to undertake the task of creating such information.

K. Estimates. Interrogatories calling for numerical or chronological information shall be deemed, to the extent

that precise figures or dates are not known, to call for estimates. In each instance that an estimate is given, it should be identified as such together with the source of information underlying the estimate.

OBJECTION: Collis objects to this Instruction as beyond the scope of Rule 33 of the Federal Rules of Civil Procedure. A party is required to provide information in its possession or available to it; it is not required to "estimate" or guess.

- L. **Incomplete Responses.** If any interrogatory or production request cannot be answered fully, as full an answer as possible should be provided. State the reason for the inability to answer fully, and give any information, knowledge, or belief which the defendant has regarding the unanswered portion.

OBJECTION: Collis objects to this Instruction because it is beyond the scope of Fed. R. Civ. P. 33 and because it is repetitive in light of Instruction C, to which Collis also objected. Collis will provide information currently in its possession, custody, or control, and will comply with Rule 26(e) of the Federal Rules of Civil Procedure.

DEFINITIONS

- A. "Chemical content", when referring to a substance includes, without limitation:
1. its chemical composition;
 2. its state (e.g., solid, liquid, gaseous or any combination thereof);
 3. the concentration of each element and compound in the substance;
 4. its consistency and makeup, including without limitation, its common chemical name;
 5. the volume, weight and common chemical name of each element and compound in such substance;
 6. its elemental structure and its pH; and
 7. the common term or code used in your shipping documents to identify each such substance.

OBJECTION: Collis objects to subparts 3-6 of this definition as onerous, vague, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

F. "Document" means all writings of any kind, including, without limitation, the originals and all non-identical copies, whether different from the originals by reason of any notation made on such copies or otherwise including, without limitation, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, returns, summaries, pamphlets, books, interoffice and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications), bulletins, printed matter, computer printouts, teletypes, telefax, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, photographs, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), and all drafts, alterations, modifications, changes and amendments of any of the foregoing.

OBJECTION: Collis objects to this entire Definition as unduly burdensome and objects to that portion of it which includes "oral records or representations of any kind" as unintelligible.

I. "Hazardous substance" means any hazardous substance as defined in Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9601(14), pollutant or contaminant as defined in Section 104(a)(2) of CERCLA, 42 U.S.C. § 9604(a)(2), solid waste or hazardous waste as defined in Section 1004(5) and Section 1004(27) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6903(5) and 6903(27), contaminant as defined in Section 1401(6) of the Safe Drinking Water Act, 42 U.S.C. § 300f(6), or pollutant as that term is used in Section 301 of the Federal Water Pollution Control Act (Clean Water Act), 33 U.S.C. § 1311, and as that term is defined in Section 502(6) of the Clean Water Act, 33 U.S.C. § 1362(6).

OBJECTION: Collis objects to this Definition as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. This action is brought pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9601 et seq. Accordingly, Collis will answer these interrogatories using that statute's definition of "hazardous substances" as set forth at 42 U.S.C. § 9601(14).

Q. "Substance" means any liquid, semi-liquid, sludge, gaseous, solid, or semi-solid, or other materials (including, without limitation, all residues in drums and all contact and non-contact water or process water employed in any chemical or industrial operation) that are, that contain, or may contain chemicals or a chemical, industrial, domestic or other by-products, test products, unused products, materials that may be recycled, mixtures, sewage, solid or hazardous waste, hazardous substances (as defined above) or a pollutant or a contaminant.

OBJECTION: Collis objects to this Definition as vague, overbroad, and not reasonably calculated to lead to the discovery of admissible evidence.

S. "Treat," "treatment" or "treatment process" means any method, procedure or process by which a substance is treated, reduced in quantity, diluted, detoxified, neutralized, incinerated, recycled or mixed with other substances.

OBJECTION: Collis objects to this definition in that it is vague, overbroad, and circular.

U. "You" and "your" and "Defendant", unless otherwise indicated means the Defendant to whom these interrogatories are addressed, each merged, consolidated, and acquired predecessor or successor, parent, subsidiary, division, and affiliate, each past and present officer, director, employee, agent, servant, and representative of each such entity or individual.

OBJECTION: Collis objects to this Definition as overbroad and unduly burdensome to the extent that it includes "each past and present officer, director, employee, agent, servant, and representative" of Collis.

INTERROGATORIES

1. Describe in detail each instance (during any period of time) in which you arranged by contract, agreement or otherwise for the removal, transport, consignment or delivery of any substance, that was taken to or may have been taken to the U.S. Scrap Site, including, without limitation, for each such instance:

(a) identify the location of the facility or business which generated or otherwise produced the substance;

(b) identify the dates upon which, or time period during which, removal, transport, consignment or delivery of the substance occurred and on which the substance left your facility or business;

(c) identify and describe the chemical content or constituents of the substance, including its volume or amount and tradename or common name;

(d) identify and describe the manner used to store and transport the substance, including the type(s) and labelling of the container(s) used;

(e) identify those persons responsible for selecting, packing, dispatching and approving the shipment of such substance;

(f) identify the name and address of every contractor, carrier or hauler (including, where applicable, yourself) and every operator or driver of such contractor, carrier or hauler used for transporting such substance; and

(g) identify all communications, meetings and documents relating to this interrogatory.

ANSWER: Collis never arranged by contract, agreement or otherwise for the removal, transport, consignment or delivery of any substance that was taken to or may have been taken to the U.S. Scrap Site. Collis objects to subpart g) of this interrogatory as

vague in that it is not clear whether the subpart seeks information about "communications, meetings and documents" relating to the interrogatory itself or the information sought therein. Collis objects to this subpart to the extent it seeks information about communications between Collis and counsel concerning the interrogatory on the grounds that such communications are protected by the attorney-client privilege. To the extent the question seeks information about communications among Collis employees in their efforts to answer interrogatory no. 1, this is the same information that is requested in interrogatory no. 2 and Collis directs plaintiff to Collis' response to interrogatory no. 2.

2. If in response to Interrogatory No. 1 you contend that you never arranged, or have no knowledge that you ever arranged, by contract, agreement or otherwise for the removal, transport, consignment or delivery of any substance that was or may have been taken to the U.S. Scrap Site,

a) identify and describe in detail the basis for your contention;

b) identify all persons with knowledge of the basis for your contention and all documents which tend to support or refute your contention;

c) identify and describe all your efforts to respond to Interrogatory No. 1, including the specific files searched and plants visited;

d) identify all persons you consulted in order to answer Interrogatory No. 1; and

e) identify all documents you reviewed in order to answer Interrogatory No. 1.

ANSWER: 2.a) Collis Inc. was not incorporated until 1984, fully nine years after the U.S. Scrap site allegedly ceased operation. Accordingly, Collis could not have "arranged by

contract, agreement or otherwise for the removal, transport, consignment or delivery of any substance" to the U.S. Scrap site.

b) Collis objects to this subpart as overbroad and unduly burdensome. Many people are aware of the date on which Collis became incorporated. Documents evidencing the date Collis was incorporated include the Articles of Incorporation.

c) No files were searched and no plants were visited in responding to interrogatory no. 1. The Articles of Incorporation for Collis Inc. were consulted.

d) No persons were consulted in responding to interrogatory no. 1.

e) Articles of Incorporation for Collis Inc.

3. For the time period from January 1, 1965 through December 31, 1975, identify and describe in detail each type of waste, refuse, garbage or trash (hereinafter "waste stream") created at or by each facility identified in response to subpart (a) of Interrogatory No. 1, or at the other facility or facilities identified by the United States in the Definitions to these Interrogatories. For each waste stream,

a. Identify the activity or process which produced or generated the waste stream;

b. Identify and describe the chemical content of each component or constituent of the waste stream, including:

(1) the form (e.g., solid, liquid, gas, semi-solid sludge, etc.) of the waste stream;

(2) the color, consistency, texture, and smell of the waste stream;

(3) the amount or volume of the waste stream produced monthly (or other period, if information by month is available); and

(4) the name and description of each component or substance contained in the waste stream.

c. Identify and describe the manner in which and location at which the waste stream was collected, stored, or treated;

d. Identify all persons and entities that participated in collection, storage, or treatment, of the waste stream;

e. Identify and describe the container in which each waste stream was stored or hauled away from the facility, including type, size, material color, markings and labels;

f. Identify whether the waste stream was commingled before disposal with any other waste, refuse, garbage, or trash and, if so, describe the waste, refuse, garbage, or trash with which it was commingled (including the chemical content thereof);

g. Identify and describe all results of each and every test or analysis conducted on any sample of the waste stream;

h. Identify whether the waste stream contained "hazardous substances" as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14);

i. Identify all documents, communications, or meetings related to this interrogatory or any of its subparts.

ANSWER: Collis objects to this interrogatory as onerous, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Collis further states that because it neither owned nor operated the facilities identified by the United States in the Definition to these Interrogatories during the time period specified, Collis has only limited, if any, information concerning the waste streams created at or by those facilities. In particular, Collis has no information concerning waste streams generated at the Camanche facility from 1965-1975. With respect to the Clinton facility, Collis identifies the following waste streams: general refuse consisting of office trash and packing materials; sewage; process

wastewater; wastewater treatment sludge; spent chromate. Collis further answers as follows:

general refuse

- a) Normal office operations; receiving
- b) This waste stream consisted of packing crates, paper, and general office trash. Collis has no knowledge of the volume of general refuse produced in any given period.
- c) Unknown
- d) Unknown
- e) Garbage trucks; size, type, color, markings and labels unknown
- f) Unknown
- g) Collis has no knowledge of any tests being performed on general refuse.
- h) Unknown
- i) Collis objects to this subpart as vague. It is not clear whether the question seeks information about communications about the interrogatory itself or the information sought therein. To the extent it seeks information about communications between Collis and its counsel about the interrogatory itself, Collis states that such communications are protected by the attorney-client privilege. To the extent it seeks information about communications among Collis employees related to this interrogatory, Collis

directs plaintiff to Collis' answers to interrogatory no. 4, as it seeks the same information. Without waiving this objection, Collis states that it has no documents related to this interrogatory.

sewage

- a) Normal plant operations
- b) Sanitary waste from the plant. Collis has no knowledge concerning the volume of this waste stream.
- c)-f) Unknown or not applicable
- g) Collis has no knowledge of any tests conducted on this waste stream.
- h) No.
- i) Collis repeats its objection to this subpart as stated above. Without waiving that objection, Collis states that it has no documents related to this interrogatory.

process wastewater

- a) Metal plating
- b)
 - (1) liquid
 - (2) colorless; odorless
 - (3) 1974: 96, 979, 690 gallons; 1975: 69, 962, 952 gallons. Collis has no knowledge of the volume of this waste stream generated prior to 1974.

(4) water
cyanide
chromium
nickel
zinc
copper
iron
calcium

- c) Process wastewater was collected in a series of tanks near the plating operation. Collis has no knowledge as to the manner in which this waste stream might have been collected or stored prior to 1970. In 1970, a wastewater treatment plant was constructed.
- d) Dan Deters, Technical Services Manager, Collis Inc., 2005 South 19th St., P. O. Box 231, Clinton, Iowa 52732, 319-242-7731, and perhaps others.
- e) Not applicable
- f) No.
- g) To the best of Collis' knowledge, the effluent from the wastewater treatment plant was sampled daily from 1973 - 1975. Parameters for which analysis was performed included pH, cyanide, copper, nickel, chrome, zinc, and flow. Collis has no knowledge concerning the results of these analyses.
- h) Yes.
- i) Collis incorporates by reference its objection to this subpart as set forth above. Without waiving that objection, Collis states that it has no documents related to this interrogatory.

wastewater treatment sludge

- a) Processing of wastewater through wastewater treatment plant.
- b)
 - 1) sludge
 - 2) gray; odorless
 - 3) Volume produced unknown
 - 4) water
zinc
chrome
cyanide
nickel
copper
calcium
- c) Sludge was collected in a tank in the wastewater treatment plant.
- d) Dan Deters and perhaps others.
- e) Not applicable. Throughout the relevant time period, wastewater treatment sludge was disposed of on-site.
- f) No.
- g) Collis has no knowledge of tests or analysis performed on wastewater treatment sludge during the relevant time period.
- h) Yes.
- i) Collis repeats its objection to this subpart as set forth above. Without waiving this objection, Collis states that it has no documents related to this interrogatory.
spent chromate

- a) metal plating
- b)
 - 1) liquid
 - 2) dark red to black; strong acid odor
 - 3) approximately 3,000 gal./month
 - 4) chromic acid
nitric acid
- c) Spent chromate was accumulated in several tanks.
- d) Dan Deters and DuTone Chemical Company, Inc., currently known as Frederick Gumm Chemical Company, Inc., 1208 Greenfield Avenue, P. O. Box 559, Waukegan, IL 60085.
- e) The spent chromate was hauled away from the facility in tanker trucks. Color, markings, labels unknown.
- f) No.
- g) Collis has no knowledge of any tests that may have been performed on this waste stream.
- h) Yes.
- i) Collis repeats its objection to this subpart as set forth above. Without waiving this objection, Collis states that it has no documents pertaining to this interrogatory.

4. For your response to Interrogatory No. 3, provide the following:

a. Identify and describe all your efforts to respond to Interrogatory No. 3, including the specific files searched and plants visited;

b. Identify all persons you consulted in order to answer Interrogatory No. 3;

c. Identify all documents you reviewed in order to answer Interrogatory No. 3; and

d. If you contend in your response to Interrogatory No. 3 that you do not know or cannot describe one or more of the waste streams generated,

(1) identify and describe in detail the basis for your contention; and

(2) identify all persons with knowledge of the basis for your contention and all documents which tend to support or refute your contention.

ANSWER:

a) Consulted with Dan Deters. A file containing information about the plant's water usage from 1974 until the present was searched.

b) See response to 4a.

c) See response to 4a.

d) Not applicable.

8. Identify and describe in detail all tests or analyses performed on any substance, garbage, refuse, or trash that belonged to you at any time, were ever in your possession, custody or control, or were ever located at the Clinton facility, Camanche facility or any facility identified in response to Interrogatory 1. In your response:

a) identify and describe the nature of the tests or analyses;

b) identify the date(s) upon which such studies or analyses were conducted;

c) identify all persons who were involved in conducting or reviewing the tests or analyses;

d) identify and describe in detail the findings and conclusions of the tests or analyses; and

e) identify all documents, communications, or meetings related to such tests or analyses.

ANSWER: Collis objects to this interrogatory as unduly burdensome, overbroad, and not reasonably calculated to lead to the discovery of admissible evidence because the interrogatory is not limited in scope to any particular time period. Accordingly, Collis will answer for the time period from 1965-1975. The interrogatory is also overbroad in that it incorporates the objectionable definition of "substance." Without waiving the foregoing objections, Collis states as follows:

- a) To the best of Collis' knowledge, the effluent from the wastewater treatment plant was sampled daily from 1973-1975. Parameters for which analysis was performed included pH, cyanide, copper, nickel, chrome, zinc, and flow.
- b) Unknown
- c) Dan Deters, Robert Bell, retired
- d) Unknown
- e) A copy of an old permit for the wastewater treatment plant may be available; investigation continues.

16. Identify each and every person, employed by you or acting on your behalf, who negotiated or otherwise communicated or dealt with Steve Martell, David Head, or any representative of U.S. Scrap Corporation, U.S. Scrap Company, Liquid Engineering, U.S. Drum Corporation, or U.S. Drum Disposal regarding the handling, generation, treatment, transportation, storage or disposal of any substance. For each person identified,

- a) identify each communication;
- b) state the nature and purpose of the communications;

and

c) identify all documents or meetings related to such communications.

ANSWER: None.

19. Identify each person who participated in answering these interrogatories, and for each such person, specify each interrogatory answer for which they have knowledge, in whole or in part.


ANSWER:

J. N. Braudt
Chief Financial Officer 1, 2, 16
Collis Inc.
2005 South 19th Street
P. O. Box 231
Clinton, Iowa 52732
319-242-7731

Dan Deters 3, 4, 8

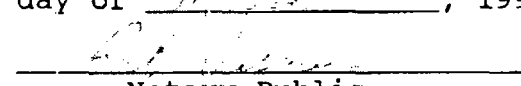
Nancy M. Kollar as to objections
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COLLIS INC.



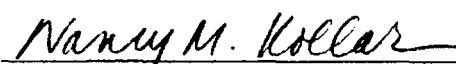
J. N. Braudt
Chief Financial Officer

Subscribed and sworn to
before me this 12th
day of December, 1990



Notary Public

WINSTON & STRAWN



Attorneys for Collis Inc.

Calvin P. Sawyer
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